

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

FEBRUARY 1, 2010

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Dr. Benoit, Mr. Biron, Mr. Leclerc, Mr. Zwolenski and Mr. Lovett. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

ANNUAL AUDIT REPORT FISCAL YEAR 2009

Ms. Debi Mitchell of Braver PC presented the audit report for the fiscal year ended June 30, 2009.

In response to a question from Mr. Lovett, Ms. Mitchell explained that the net change in fund balance for the governmental funds was (\$73,057). There was not a surplus for the year of \$565,016.

According to the audit report, as of June 30, 2009, the total fund balance of the general fund was \$3,031,815 of which \$2,809,181 was unreserved. This unreserved fund balance represents approximately 23 percent of total general fund expenditures. Of this total fund balance, \$222,634 was designated or restricted and \$451,954 was unreserved but designated for other expenditures such as retirement payouts.

SEWER PROJECT PAY REQUESTS

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted 4 to 1 (Mr. Zwolenski voted no) on a roll call vote to approve payment of Invoice #16 to James J. Geremia & Associates, Inc. for design services for Phases I, II and III in the amount of \$6,046.36.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski and Dr. Benoit, and voted unanimously on a roll call vote to approve payment of Invoice #16 to James J. Geremia & Associates, Inc. for Phase IB construction administration and resident inspection services in the amount of \$3,571.06.

MEMORANDUM OF UNDERSTANDING RE: REGIONAL MUNICIPAL SERVICES

Mrs. Hamilton presented the following memorandum for Council approval: “1. The intent of this Memorandum of Understanding (“MOU”) is to memorialize and set forth the objective of the Towns of Burrillville, Glocester, North Smithfield, and Smithfield to form a regional municipal compact for the purpose of providing more cost effective and

effective services to their respective communities. 2. In accordance with the intent of this MOU the respective Towns hereby acknowledge their intent to form a regional municipal compact for the purpose of promoting intermunicipal cooperation as follows: A. The sharing of equipment and manpower. B. Sharing of facilities. C. Cooperative purchasing. D. Regionalization of certain services. 3. The authorized representatives of the parties to this MOU shall meet on a regular

basis for the purpose of formulating a plan to implement intermunicipal cooperation as set forth above. This shall include exploring the feasibility of forming a Regional Council pursuant to R.I. Gen. Law §45-43. 4. Each Town shall take steps to review their respective organizational documents, charter, ordinances, resolutions, union contracts, enabling legislation and personnel policies with the goal of removing prohibitions to intermunicipal cooperation as outlined above. 5. Each Town shall consult with its own personnel and share its expertise with the other Towns for the purpose of adopting a uniform policy, procedures, and/or agreements which promotes intermunicipal cooperation as set forth above. 6. No Town shall be

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legally bound with respect to intermunicipal cooperation until a formal agreement is approved by the respective Town Councils.”

MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted unanimously on an aye vote to approve the memorandum and authorize the Town Administrator to proceed forward and return to the Council with any proposals for approval.

RESOLUTION AMENDING TRANSPORTATION IMPROVEMENT PROGRAM RE: BRANCH VILLAGE DISTRICT

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to adopt the following resolution:

“Whereas, the Town of North Smithfield with funding received from Rhode Island Statewide Planning and the U.S. Department of Transportation, Federal Highway Administration conducted the Branch Village Revitalization Study that was performed with broad participation of community stakeholders as well as partners in state government; and Whereas, the findings of this study indicated that addressing certain transportation deficiencies within the Branch Village district, together with a local investment in sewer infrastructure, would enable the district to accommodate 2,865 permanent jobs, pursue sustainable community development consistent with the State Guide Plan, achieve greater safety for pedestrians and efficiently broaden the municipal tax base; and Whereas, the Town Planning Board and the Town Council unanimously approved a conceptual plan and cost estimate for specific transportation improvements in the Transportation and Buildout Analysis performed as part of the Branch Village Study by the Pare Corporation; and Whereas, various State officials, including the directors of RIDOT, RIDEM, RIEDC and the Associate Director of the Division of Planning, signed letters in 2008 in support of the Town’s application for a federal appropriation to undertake this project for federal funding. NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTH SMITHFIELD, RHODE ISLAND, AS FOLLOWS: SECTION 1. The Town Council of the Town of North Smithfield gives evidence of its full support for a request to amend the current Transportation Improvement Program (TIP) to include the design, engineering and implementation of these

transportation improvements on that portion of Great Road, from Route 146 to Mendon Road, in accordance with the Branch Village Revitalization Plan adopted by the Town Council in July 2008.

SECTION 2. The Director of Planning is hereby authorized to prepare a communication to RIDOT and Statewide Planning indicating the Town Council's full support of this action. **SECTION 3.** This Resolution shall take effect immediately upon its passage by the Town Council."

NIPSACHUCK HILL AND SWAMP REGION

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to move this item up on the agenda.

MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted unanimously on an aye vote at 7:52 P.M. to take a two-minute recess.

The meeting resumed at 7:55 P.M.

Mr. Doug Harris, Preservationist for Ceremonial Landscapes for the Narragansett Indian Tribe Historic Preservation Office, spoke about the battles that occurred in the Nipsachuck Hill and Swamp area from 1675-1676. Tribal concerns are where exactly the battles took place, where the dead may be buried and, prior to the battles, where are the significant ceremonial sites that had been visited by the Narragansetts and other tribes for thousands of years to do ceremonies. He believes colonists were the recipients of stories and

lore about Indian traditions and he is trying to locate descendants who may know the oral history.

Mr. Rick Greenwood, Deputy Director of the Rhode Island Historic Preservation and Heritage Commission, also spoke. A grant has been awarded to research Nipsachuck Swamp and the battle that occurred there. Their goal is to identify sites and see if they are worthy of preservation. At that point they would talk to landowners to see if they are interested in pursuing the next phase of the investigation which could include archaeological testing.

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GILBANE/RGB TASK ORDER 5 FEASIBILITY SERVICES PROPOSAL

Mr. Leclerc explained that the task force has met and has six options for which they need outside review of costs associated with those options. As discussed at prior meetings, the funding source for this outside assistance has been questionable.

Mr. Nadeau had asked Dan Waugh, bond counsel, for a copy of the information sent to Finance Director Cheryl Ficarra. The way Mr. Nadeau reads it, using the proceeds of the 1999 school bond would be allowed depending on the usage. The key is whether the focus is on the buildings and construction or a review of programs held at the school. One of the services listed in the Gilbane scope is to provide five options for the development of the elementary school program.

This may have been misconstrued and caused Mr. Waugh to reply in the negative for using the bond.

Mr. Leclerc stated that the options are definitely renovation-based. Halliwell School is in dire straits and if nothing is done, an enormous amount of money will have to be spent there.

Mr. Nadeau felt that if a proposal was rewritten to encompass what Mr. Leclerc says is the intent, he doesn't think there will be a problem.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to authorize Gilbane/RGB to rewrite Task Order 5 – Feasibility Services Proposal with a narrative for further clarification to be reviewed initially by the Town Solicitor and then submitted to bond counsel. Once bond counsel has reviewed the document, it will be brought back before the Council on February 16th, tentatively. The revised feasibility study proposal will be at no cost to the town.

TRANSFER OF CONTROL OF SILVER PINES COMDOMINIUM LLC PUMP STATION

Sewer Commission Chairman Shawn Kane asked that this be continued in order to obtain more information.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted

unanimously on an aye vote to table this to March 1, 2010.

**RECONSIDERATION OF VOTE FOR AWARD OF BID RE: IT
CONTRACT FOR NORTH SMITHFIELD POLICE DEPARTMENT**

Mr. Biron had submitted a letter to the Clerk on January 21, 2010 requesting that a reconsideration of the vote to award this contract be included on the agenda for this evening.

MOTION by Mr. Biron, seconded by Dr. Benoit, and voted unanimously on a roll call vote to reconsider the motion made on January 19, 2010 to hire Bruce Senecal d/b/a Vaulted Computer Services as the IT consultant for the North Smithfield Police Department.

MOTION by Mr. Zwolenski and seconded by Mr. Leclerc to hire Bruce Senecal d/b/a Vaulted Computer Services as the IT consultant for the North Smithfield Police Department for a contract term of two years, in an amount not to exceed \$18,000 annually and subject to the contract being reviewed by the Town Solicitor and subsequent execution by the Town Administrator.

Dr. Benoit noted that at the last meeting mention had been made of other resumes received and he questioned whether the Council should pursue those avenues.

Mrs. Hamilton explained that she had received an additional two

resumes but not responses to the request for proposal and both were received after the deadline.

Mr. Lovett felt the fiscally prudent thing to do would be to see if there would be anyone else within the department who is familiar with the software and would consider taking on the work.

Mr. Nadeau commented that there is a specific clause in the contract that requires a waiver of certain claims and Sgt. Senecal told him after the vote of the last meeting that he did not want to waive those

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claims if the contract was only for two years. Mr. Nadeau understood that to mean that Sgt. Senecal did not want the contract.

Sgt. Senecal stated that before he submitted his three-year proposal, he spoke with Mrs. Hamilton about trying to come up with other compensation in lieu of the claim in the contract for days owed if he was awarded anything less than a three-year contract. When Mr. Nadeau approached him at the end of the last meeting and mentioned the waiver, Sgt. Senecal did not say that he was unhappy with the contract but he did have an agreement with the Town Administrator to discuss something that might be able to offset the loss of the third year.

Mr. Nadeau responded that when Sgt. Senecal told him he wanted to renegotiate terms with Mrs. Hamilton, that meant to Mr. Nadeau that Sgt. Senecal was not satisfied with the contract as it was approved. Also there are part-time employees of the police department who have the necessary skills to do the job. Mr. Nadeau is unsure whether or not they are interested.

Mrs. Hamilton stated there had been talks back and forth for the last six months between her and Sgt. Senecal but there was no discussion about expanding the contract because she knew the Council had the final vote. She told Sgt. Senecal that, in her estimation, getting a two-year contract was a good deal in this economy.

Both Mr. Leclerc and Mr. Zwolenski asked Sgt. Senecal if he could work in good faith if the contract as approved on January 19th was approved again and the waiver of the claim was still included.

Sgt. Senecal answered yes.

Roll call vote: Dr. Benoit – no; Mr. Biron – no; Mr. Leclerc – yes; Mr. Zwolenski – yes; and Mr. Lovett – no. The motion failed 3 to 2.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted 4 to 1 (Mr. Biron voted no) on an aye vote to direct the Town Administrator to start the process of looking for requests for proposals over again

immediately and to include a deadline.

FISCAL YEARS 2009, 2010 AND 2011 BUDGETS

Mr. Leclerc asked what the projected loss would be next year if the town does not receive money from the state for the motor vehicle excise tax.

Mrs. Hamilton responded it would be approximately \$2 million.

EXECUTIVE SESSION

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to enter into executive session at 10:08 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss the North Smithfield Police Department contract negotiations.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to come out of executive session at 10:36 P.M. and to seal the minutes. No motions were made and no votes were taken.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to adjourn at 10:37 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk